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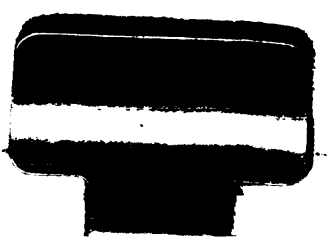

First Biennial Message

OF

Governor Hiram W. Johnson

BEFORE THE

Senate and Assembly of the State of California, in Joint Assembly, at Sacramento, Monday, January 6, 1913

FRIEND WM. RICHARDSON, SUPERINTENDENT OF STATE PRINTING
SACRAMENTO, CALIFORNIA
1913

FIRST BIENNIAL MESSAGE

OF

GOVERNOR HIRAM W. JOHNSON.

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA, January 6, 1913.

To the Senate and Assembly:

In accordance with custom and the requirement of the Constitution, it becomes my duty to communicate with you by message.

INTRODUCTORY—POLICY.

You have assembled, at an exceptionally important time in the history of the State, to carry further forward the works of political and economic betterment so well begun by your immediate predecessors. The past two years have marked a new era in the governmental history of California. Obeying the mandate of the people, under which they were chosen, the present administration and the Legislature of 1911 came into office committed to the definite policy that effective political power should be lodged with the people themselves, that the allegiance of public servants to the people should be undivided, and that legislative and administrative policies should be directed to the benefit of the people. The record of the past two years is the record of the fulfillment of that promise in the political reconstruction of the State, and of the greatest possible measure of progress in legislative and economic reforms. Your task is to see to it that nothing is lost of what has been achieved, to carry forward as well as possible what remains incomplete, and to do what in your wisdom you deem yet essential.

After only two years it is difficult to realize that we are so short a time removed from a system which had grown up by many years of acquiescence. The system of the domination of the public service by special interests was so all-pervasive and so familiar that it was accepted even by many excellent men as part of an unchangeable order of things. Yet it was a system which was of course fatal to true popular government and to administrative efficiency, and which offered constant temptation and opportunity to worse than inefficiency. An incident in the government of the water front of the city of San Francisco vividly illustrates how far this system of private dominance of public service extended. The Harbor Commission of San Francisco are required by law to fix the rentals to be paid by those who occupy space belonging to the State. The schedule of rentals just prior to the

present administration was really fixed by the very corporation which was the principal tenant of the State at the harbor, and was adopted only after consent of that company. This is perhaps a minor example of a condition which was then regarded as a matter of course, but which has now become, let us hope forever, impossible.

In the effort to eliminate that sort of influence, and to require of every public servant and governmental agency an undivided allegiance to the people, of course there was resistance to be overcome in almost every direction. The service of the State was filled with men many of whom had been accustomed to look, as the source of their power, to a particular outside agency, rather than to the government and the people of the State. But after two years of continuous effort, and with the tremendous aid rendered by the last Legislature, without which it could not have been accomplished, it may be to-day asserted that the public service of California is maintained solely for the public benefit, and that the allegiance of every official is now wholly to the State of California. It is not asserted that all the needed administrative reforms are yet complete; it is not claimed that every public institution in this State is as well managed as ultimately it may be; but it is confidently insisted that the management of almost every public institution in this State to-day has improved in method and efficiency, and that in none to-day is permitted fealty or allegiance to any other power than the power of the people of the State.

The platform to which a majority of you subscribed at the recent legislative convention, and I quote it as a concise statement and not in partisan spirit, contained the following summary of the accomplishments of the past two years, the majority of which, it may be added, were due to the enactments of your immediate predecessors in the Legislature, and to the favorable vote of the people on propositions submitted to them:

> "A new spirit has entered the public life of the State. In two years, California has made greater progress in legislation and government than was ever before made in a like period by an American state, and has set a new standard for other States and the Nation. Political power has been taken from the political bureau of a private corporation and restored to the people; boss rule has been made permanently impossible by direct nominations, direct legislation and the recall. The suffrage has been extended to women. The ballot has been made shorter and less partisan, and judicial nominations have been made nonpartisan. Public servants have been appointed and retained for efficiency and faithfulness; the business administration of the State Department has been reformed through the activities of the State Board of Control, corruption and favoritism have been eliminated, and economy and efficiency enforced. The Railroad Com-

mission is for the first time exercising the powers over railroads intended to be conferred upon it when it was established in 1879, and has extended a like control to other public service corporations. The laws of criminal procedure have been simplified, a reformatory for first offenders is assured by the purchase of a site therefor, the prisons have been made self-supporting and prisoners are being taught useful trades without injurious competition with free labor. Much beneficial legislation for social and industrial justice has been passed, including a workmen's compensation act and an eight-hour day for women, a full crew and sixteen-hour trainmen's bill, bills against the pay-check evil, and repealing the sailors' enticement law, prohibiting night work for minors under eighteen years, and protecting electrical workers. Laws for the better conservation of the natural resources of the State were passed and an inventory of these resources is being made by the Conservation Commission as a basis for the intelligent enactment of needed additional legislation. Counties have been given a larger measure of local self-government and a local option law has been passed. A state system of good roads has been inaugurated. Race track gambling has been effectively suppressed. These and many other beneficial measures are the achievements of the administration and the Legislature of California in the past two years."

This is the record, made by your predecessors and approved by yourselves, which it is now yours to emulate, and to supplement and complete.

The general policy that has characterized the present state government is one that has not been partisan in character, and to which men of all political predilections, and particularly those of different parties in the Legislature, have contributed. The policy of the State Government in the future will be the same as for the past two years; and in upholding that policy the present administration asks the aid of all the representatives of the people; and if the policy shall meet with success and approval it may well be considered the policy of all those who believe in popular rule and in constancy and fidelity in the execution of a trust regardless wholly of partisan lines.

Of course the establishment of a new system and the destruction of the old have engendered some bitter animosities from which you and your predecessors and this administration have not been exempt. These animosities manifest themselves sometimes in one form and sometimes in another. When they consist of mere personal vituperation they may be simply disregarded. Occasionally they take the form of an exaggerated and distorted attack upon some public institution which may not have yet reached the state of efficiency that is all that could be desired. Sometimes, inspired by those who contend they are actuated only by desire for the public's good, they are insidiously inserted, by

apparently legitimate argument, in the utterances of some public body or medium of publicity. Sometimes they are the concerted activity of the paid representatives and subsidized organs of publicity of the former beneficiaries of the old system, as is evidenced by the sudden concert of attack just now being made upon the greatest constructive agency for good in the State of California—the Railroad Commission. It is not to be expected that these attacks will cease or grow less, but those charged with the public service of California will not be diverted by them from the fixed policy which has so far been followed and which will be maintained unswervingly to the end.

California is a State to inspire the enthusiasm and the devotion of all who are privileged to live in it or called to serve it. Its resources are without limit. The imagination of our generation cannot even picture the possibilities of its development. In the past decade its growth in population and industrial progress has been marvelous. The next decade will far exceed the last. Materially our destiny and our rank among the states of the world are assured. In the more subtle influence of environment, our State stands alone. Nowhere else is there so much charm of climate and natural beauty, so much of the realization of possibilities not yet unfolded. Standing at the very foreground, not merely of a nation, but of a race, the last station of the westward march of occidental civilization, and the final frontier between the two halves of the world, we occupy a unique place which lays upon us a unique responsibility. The impending opening of the Panama Canal now doubles that responsibility. Henceforward we shall face the Atlantic as well as the Pacific, Europe as well as Asia. New problems press upon us, in which, with the eyes of the world looking on, we must not fail.

To the material responsibilities we shall rise. It is your task to see to it that we rise to the governmental responsibilities also—to afford this people the agencies of self government with which to fulfill its destiny, and, as the representatives of the people, to do in their interest their sovereign will. The experience of your immediate predecessors demonstrates that this is no impossible aspiration, and I look with confidence to see you carry even further forward the work they so well began.

EXECUTION OF RECENT LEGISLATION AND CONSUMMATION OF NEW POLICIES.

The Legislature of 1911, and the people of our State in the constitutional amendment election of that year, entered upon certain new governmental policies. In passing it may be mentioned that the election of October, 1911, called by the regular session of the Legislature of that year, was probably the first election held where only amendments to the constitution were voted upon. In itself this election was a test of popular rule. The interest in the constitutional amendments and the discrimination displayed by the people fully demonstrated the efficacy of direct legislation and the ability of the people to govern themselves. Some of the amendments submitted were complex in character and dealt wholly with abstract problems. The people then determined that they, as well as the administration, wished the lodgment of power with themselves, and it has since been lodged with our people. Immediately after the election the various constitutional amendments were put into effect, and, of course, in good faith carried out. In detail it is impossible to refer to the execution of all of the legislation passed in 1911, or that determined upon by our people, but a few of the important policies that have been entered upon in the last two years are mentioned.

I.

THE RAILROAD COMMISSION.

In January, 1911, the Railroad Commission consisted of three elective members. In that year the well known Stetson-Eshleman railroad bill was passed by the Legislature, giving to the Railroad Commission powers as extensive as the Constitution would permit. At the election of October, 1911, the people passed two constitutional amendments relating to the Railroad Commission, by which the Commission was enlarged to five and made appointive instead of elective, and the most plenary powers were conferred upon it. At the extra session of the Legislature of 1911, the Public Utilities bill was passed. Since that time the Commission has done a wonderful work. In the thirty-two years previous to June, 1911, there was less work done by the Railroad Commission of the State of California than has been done by the present Railroad Commission in any one month of its existence. Probably during the thirty-two years of the existence of the Railroad Commission prior to 1911, approximately one hundred complaints were presented to that Commission, and in less than two years, to the new Commission, approximately two thousand complaints have been presented. The Commission has acted with such justice, fairness and

ability, that it has won the respect and regard of nearly all of those whose interests have come within its jurisdiction. It is impossible even to recapitulate the accomplishment of this Commission. It has investigated express rates, readjusted railroad rates to accord with the long and short haul clause, reduced freight rates into and out of the San Joaquin Valley, between Los Angeles and San Pedro, Los Angeles and Imperial Valley, between Bakersfield and the oil fields, reduced Pullman seat fare between San Francisco and Los Angeles, reduced demurrage, restored lower telephone rates in one hundred and two towns, reduced many thousand passenger, freight and express rates upon informal complaints, improved train service, reduced rates on raisins and dried fruits from San Joaquin and from Sonoma and Mendocino counties, given all children the benefit of half fare on all street railways, previously extended only to school children; required the erection of new depots, examined and authorized stock and bond issues approximating thirty millions of dollars, and at last has become the arbiter between the people on the one hand and the great public service corporations upon the other, dealing justly with each, but with firmness insisting upon the performance of the duties of each.

It may be said that the Public Utilities Act of the State of California compares favorably with any similar act in the Union, and it may be said of this Commission, now as well a Public Utilities Commission, that its record, as demonstrated by its accomplishments, is second to no similar commission in all this Nation. There are older commissions in some of the states, dealing with these subjects—commissions that in the past have been suggested as models—but to-day, throughout the United States, the Railroad Commission or Public Utilities Commission of the State of California is recognized as among the foremost, and in the amount of work and efficiency, I doubt if any compare with it. The object of one of the constitutional amendments adopted in 1911 by the people, was, as stated during the campaign, to maintain for the longest possible time the present attitude of the State toward the railroad and public service corporations, and to give ample opportunity for the demonstration of a system of regulation, of just, speedy and summary determination, where individuals were concerned on the one hand and great corporations on the other. When the amendment to the Constitution was submitted only a little over a year ago, it was thought doubtful if all that was contemplated as the work of the Railroad Commission could be so far advanced in the brief term of one executive as to have demonstrated to the people the efficacy of such a Commission, and its necessity for the protection of the people. Happily the personnel of the Commission has been such, its industry has been so indefatigable and its ability so pronounced, that in the very brief period that has elapsed

the people probably already fully understand not only its value to them, but its absolute necessity.

I feel that I need not bespeak for this Commission your coöperation.

II.

BOARD OF CONTROL—CENTRALIZATION OF SUPERVISION.

Best results are obtained governmentally when the head held responsible is in closest touch with all that transpires. After a careful survey, it was determined at the last session of the Legislature that there should be some centralized authority in constant touch with the various institutions of the State and their business policy, and which should be one of the arms of the executive head of the State. Accordingly, was created the Board of Control. It was hoped that through this Board immediately at hand would be available all information concerning the business management of the various state institutions. The Board was designed to exercise a supervisory control and management over the fiscal affairs of public institutions and to install a uniform system for the management of the State's business. The Board of Control was duly appointed, and entered upon its duties. It has more than justified itself. In a brief period it has modernized and immensely improved the business management of all of the institutions. It has acquired an experience now invaluable to the State which will enable it to go forward with its duties in the future with even greater precision than in the past. It has enabled the government of the State to be in immediate touch with the business management of each particular institution. It has saved the State hundreds of thousands of dollars, has put in operation, where possible, uniform systems of accounts, and to-day the business of the State in its public institutions, for the first time in the history of the State, is being conducted on a business basis, exactly as would be desired by any private enterprise. When you recall that the accounts of our state hospitals had not been audited in fourteen years until the installation of the Board of Control, the laxity of former methods will be apparent. The accounts of all of these institutions have now been audited, a uniform system of accounting has been installed in four, and in the others will be at the earliest possible moment. It is no exaggeration to say that where there was one bidder for the State's business in the past, there are at least six times as many to-day. This has arisen through the efforts of the Board of Control and their success in making the business of the State the most desired and the most sought after, and by the elimination of all favoritism. There is now real competition in bidding upon the business of the State, and this competition has been brought about simply by pursuing business methods and granting to all equal opportunity. One

of the evidences of the value of this sort of work is that in the state hospitals the cost of maintenance in the past year was decreased $150,000, notwithstanding that the cost of living is greater, and notwithstanding that better supplies are furnished and that the food supplies for the hospitals are fixed wholly by the State Medical Superintendent and the superintendents of the various state hospitals. The Pure Food and Drug Laboratory at the University of California is now the judge of the quality of foods submitted to the state institutions.

The textbook fund of the State was found mortgaged to favored contractors when the Board began investigating the subject. There was $14,000 in the state textbook fund and $70,000 of claims against it. The fund now has $162,000 and there are practically no bills against it, and, in addition, there are some $30,000 worth of finished books in the state warehouse. If the Board of Control had done nothing else than expose the shocking conditions existing at the State Printing Office by which the school children of the State were made to pay for a favoritism that had grown up under the old system, it would be entitled to the lasting gratitude of every citizen of California. The Board has fulfilled the function long needed and has fulfilled it well.

I commend to you such legislation as shall be suggested by this Board.

Just as the State's business methods have been modernized and improved, it has seemed that the same sort of supervision of administration might bring a like improvement there. If it were possible for the executive head of the State to have as one arm the Board of Control, with its supervisory power over the fiscal affairs of the various state institutions, and as the other arm a centralized body with an equal power over the administrative affairs of the various state institutions, there could never be any excuse for those things that sometimes occur under existing circumstances, no matter what may be the efforts of administrative heads. For instance, there are in California five insane asylums, Mendocino, Napa, Stockton, Agnews, and Patton, and one Home for the Feeble-Minded at Glen Ellen. These are governed by local boards, just as the reform schools and the normal schools are. The local boards in most instances are composed of men of unimpeachable character, who are engrossed in their own affairs, but who unselfishly devote what time they deem essential in the management of the affairs of the particular institution that they represent. It happens necessarily that those boards derive their information almost wholly from the various superintendents. The members have not the time, and can not, because they serve without compensation, devote the time necessary completely to investigate everything pertaining to their institution. That these boards have rendered good service; that they will render good service in the future, and that they deserve all praise for their unselfishness and patriotism in doing a

public work, without compensation, is, of course, conceded, but our experience with the Board of Control in fiscal management has convinced us that a similar board with like power in the administrative affairs of the state institutions could accomplish like results. Just as the Board of Control has supplied the deficiency existing in the business management of our institutions, just so could a centralized body, devoting itself exclusively to the work, supply any deficiencies that might exist in the administrative work of the institutions.

I would suggest to you that you consider the elimination of local boards and the creation in their place of one centralized body to be located at the city of Sacramento, which shall devote itself exclusively to the administrative care of state institutions, and which shall receive a fair compensation. The fiscal management of the various institutions should be with the Board of Control; the management otherwise, with the central authority suggested. Both of these bodies thus would be arms of the government, enabling that close touch in every aspect with the state institutions essential to obtain economical management and the highest degree of efficiency.

Under the constitutional amendment providing for free textbooks, adopted at the last general election, it will be necessary for you to remodel the State Board of Education. In framing the new law, if you saw fit, the idea of centralized authority could be carried into successful execution so far as the normal schools of the State are concerned.

The suggestion has been made, too, that the same rule apply in all health conservation matters, and Dr. W. F. Snow, the very efficient Secretary of the State Board of Health, has been working upon a plan of consolidation. I am not prepared to present this matter in detail, but will reserve it for a future occasion if deemed essential.

III.

INDUSTRIAL ACCIDENT BOARD.

The policy adopted by the State two years ago that the burden of accident should not fall wholly upon him who is least able to bear it, but should be wisely distributed, has come now to be the policy in many states of the Union, and of the Federal Government itself. Neither the desirability nor the righteousness of this policy is longer questioned, and while, in specific instances, it is difficult thoroughly to work out the purpose and design of such acts, they are now accepted by every modern and humane state.

One of the chief difficulties that has arisen in California has been because of the rapacity of insurance companies. The rates of insurance seem to have been extortionate, and, in many instances, prohibitive.

In this sort of greed, however, insurance companies have over-reached themselves because, if we are to continue the policy that we have adopted in respect to industrial accidents, it will be necessary for the State itself to provide the necessary insurance. The Industrial Accident Board reports to me that the Washington scheme of insurance is not approved by them, but that they do approve the creation of a state insurance fund, in order that the State may furnish insurance to those who desire it for their protection. I strongly urge upon you, if the industrial accident law is to continue to be a part of the policy of the State of California, that you take the necessary means for providing for a state insurance fund.

Complaints have been numerous in relation to the law, and mainly from one source—the farmers. It has been argued by the farmers that they ought not to be within the purview of the law because, first, the very nature of their work renders it impossible for them to discriminate in employing individuals, and the very nature of those who engage in their work renders discrimination impossible. Farmers think, therefore, inasmuch as they must have labor at a particular time, hastily, that they should not be subject to liability for accident; and again they insist that they cannot distribute the cost of protection, insurance, etc., in their business, because they do not, and cannot, fix the price of their commodities, the price being fixed in other markets and, therefore, that the theory by which the burden of the accident shall be cast upon the business and ultimately upon the community is untenable as applied to them. I find, however, that this latter argument may be made in favor of some other businesses as well. Thoroughly do we believe in the policy of this law, and rather than sacrifice that policy, we would be willing to eliminate the farmers from its provisions. Nevertheless, I cannot but believe that this elimination will be a step backward, and particularly do I think this will be so if the State furnishes cheap insurance.

IV.

CONSERVATION COMMISSION.

The Conservation and the Water Power commissions have practically concluded their work, and have presented a most valuable report of their investigations within the past two years. Their recommendations are embodied in certain bills which will be presented to you. The data which has been supplied to the State by the conservation commissions will be of great and lasting value. The bill relating to water and water power presented by the conservation commissions is a measure of very great importance concerning which, in the future, if deemed advisable, I shall again communicate with you.

V.

IMMIGRATION COMMISSION.

With the opening of the Panama Canal, now so near at hand, new problems will confront us. If the expectations of the transportation companies and of those familiar with the subject are realized, much of the immigration which now wholly finds itself upon the Atlantic shore will be distributed to the Pacific coast, and there will be brought to the State of California an extraordinary increase in population, presenting new and difficult questions. It has ever been the boast of our State that we have not within it any real, pressing want. We have never had the awful problems presented to us that the congested centers of the East have there presented. A wise forethought would endeavor to prevent such conditions in the West, and the experience to-day of the congested centers of the East should be sufficient warning to all who are charged with the duty of providing for the future. With those of us who have dealt at all with the subject, our hope and our dream are that we may prevent in California the human congestion that has occurred in the populous centers of the East, and that by the adoption of those measures which experience and wisdom shall dictate, we may be relieved of the dread and the misery of the problem of the East. Accordingly, in August of this year, I appointed what we termed an Immigration Commission, composed of members who had had experience with the subject and who had devoted many years of thought to the solution. This Commission, of course, serves wholly gratuitously, and has presented certain bills as a result of its labors. If we can distribute our immigration, and if we can, forewarned, prevent the congestion within our State, of a population which seems certain to come to us within the next few years, and if we can forfend that problem which is ever increasing in intensity with our Eastern brethern, we will have accomplished a great and lasting benefit for California.

VI.

FREE TEXTBOOKS.

The people adopted a constitutional amendment providing for free textbooks at the last general election. I am advised that we may put the scheme in operation by the appropriation of $300,000. We are enabled to do this because of the investigations of the Board of Control, and the revolutionizing of the methods that have been in vogue in the State Printing Office. As has been suggested elsewhere, because of the efficient business management of the State Printing Office to-day, the textbook fund has on hand about $162,000, and there are $30,000 worth of finished books in the state warehouse. It is because of this extra sum on hand that we may put into operation, at the figure we have

named, the new constitutional amendment. Legislative action, however, is necessary, and this legislative action should look to economy in the matter of schools. The books should not become the property of the pupil, but should be, of course, returned at the conclusion of their use, for future use, if necessary. If this can be impressed sufficiently upon school managers, teachers and pupils, the cost of furnishing free textbooks ought to decrease yearly until it will be an inconsiderable figure in our biennial appropriation.

VII.

RIVER FLOOD CONTROL.

No matter is of more immediate importance to California than flood control of the Sacramento and San Joaquin rivers. Of the two the Sacramento presents the greater problem and the graver menace. Its sources and tributaries, if in flood together, pour into the river a quantity of water six times as great as the channel's extreme capacity.

The San Joaquin has its own problems, but has vital concern as well in the control of the Sacramento, first, because the present narrow mouth of the Sacramento prevents discharge of the floods of the San Joaquin; second, because any break in the east levees of the Sacramento, below Sacramento city, pours the water in a southeasterly direction across the San Joaquin River and over the richest portion of San Joaquin County.

North of the San Joaquin River and below the present flood plane of the Sacramento are 1,000,000 acres of rich land, a large portion of it reclaimed, the cities of Sacramento and Marysville, and many small communities. The old system of independent reclamation in small units had steadily raised the flood plane, so that, a year ago, it was evident that further leveeing on this system could not insure permanent safety, but must result in enormous waste of money with temporary safety for a few at the expense of destruction of many.

Included in the call for the special legislative session of 1911, was this subject, and as a result, an act was passed formally adopting, on behalf of the State, the plan of flood control recommended by the California Débris Commission and approved by the War Department, and creating a State Reclamation Board with authority to force private reclamation along the Sacramento River and in the basins adjacent thereto to conform to the general plan. The San Joaquin was not placed under jurisdiction of the Board because there was at the time neither report from the Federal Engineers nor survey upon which a plan for that river could be formulated. Surveys for the purpose are now being made.

The flood control plan provides for retaining within the river channel all waters up to a fixed plane, so that scouring will result in increased

capacity and improved navigation; for carrying flood waters over weirs and by by-passes through the Sutter and Yolo basins to tide water; for enlarging the mouth of the river from Rio Vista to Collinsville; and for incidental levee building and stream dredging. The estimated cost is $33,000,000.

The result of this legislative action and of the policy adopted by the Reclamation Board has been surprisingly gratifying. Private capital, when it realized that State and Federal authorities were harmoniously coöperating, and with authority to enforce compliance with a comprehensive and safe flood control plan, showed an eagerness to undertake, at its own expense, much of the levee and by-pass work included within the Government's estimate.

I call your attention to the report of the Reclamation Board, and to its request for appropriation.

VIII.

BLUE SKY LAW.

Hon. Max Thelen, one of the members of the Railroad Commission, recently investigated the Blue Sky law of Kansas, and the efforts being made in various states for similar enactments. His report has been filed with the Railroad Commission in which he says:

> "The Blue Sky law of Kansas is a law designed to put out of business in Kansas, the promoters whose promises were as limitless as the blue sky. Under this law, with certain exceptions, no corporation may sell stocks, bonds or other securities in Kansas without having first secured a certificate stating that the provisions of the law have been complied with and granting permission to do business in the state."

The object of the law, of course, is to prevent wild-catting and to protect the gullible part of our public from investing in those stocks or bonds which have no real foundation, but which hold out to the investor the hope of impossible returns. In conversation with Governor Stubbs of Kansas not long since, he stated that the law had been of inestimable value to his state and had saved many hundreds of thousands of dollars, and had saved it, too, to those who most needed the saving. I recommend to you a similar law for California, the administration of which, however, shall be placed under the Railroad Commission.

IX.

BUREAU OF LABOR STATISTICS.

This Bureau was established in 1883, but, until a recent date, was of little or no service. It is now in reality a bureau for labor. Working men and working women seek and obtain now advice and assistance there. The laws relating to children and to women, and to conditions

surrounding toilers generally, are rigidly enforced. Those without funds to pay can obtain, through this Bureau, the wages due them, and the wage collection agencies have been practically driven out of existence by the Bureau. The Bureau, during the past year, has compelled the payment of sums from sixty cents to three hundred dollars, in the aggregate, $25,000. It has compelled employment agencies to refund in the aggregate $1,500 to those who were treated unjustly by such agencies. The child labor laws have received the strictest attention, and children have been practically eliminated from the factory, workshop and store, and school attendance, as a consequence, increased. During the past year more than thirty-three thousand complaints were filed with the Bureau, investigated and acted upon.

Some agitation has been indulged in in relation to a State Employment Bureau. If you should establish such a Bureau, it should be, in my opinion, under the jurisdiction of the Labor Commission.

X.

STATE HIGHWAY COMMISSION.

The Legislature of 1911 provided for the appointment of three additional members of the Advisory Board, for the purpose of expending the eighteen millions of dollars voted for good roads in this State. So far as was possible these three additional members were constituted a Highway Commission, and they have had practically the sole charge of the construction of roads under the bond issue. The task, of course, is a very great one, and so extraordinary care was taken in the selection of the members of the Commission and of the Engineer. An organization, perhaps the most efficient ever created in this State by public or private enterprise, has been formed by the Highway Commission, and is actively engaged in the present work. The experts who examined this organization stated that it was the most efficient organization, with less overhead cost, of any organization they had ever before examined. The first duty of the Highway Commission, of course, was to determine the exact routes of the proposed new roads. This rendered innumerable hearings necessary, and occasionally a determination, as between particular localities. Decisions in particular instances were made after the most careful investigations and consideration and the exercise of the most conscientious judgment. With these decisions, of course, the Advisory Board, of which the Governor is the chairman, has not interfered. Appeals in some instances have been made, and some of the appeals have been quite persuasive, but in order that the highest degree of efficiency should be maintained, I have been compelled to adhere to the almost inflexible rule, that where commissions composed of men of high repute, in matters within their jurisdiction, after careful deliberation, have reached a conclusion, that conclusion should be final, and

should not be interfered with by the Executive of the State, save in the most exceptional cases. Any other course would destroy the independence and initiative of Commissioners and would be substituting the judgment of the Executive for that of the Commissioners. The highest interests of the State have required that I should acquiesce, even though I should not hold the same view, in the determination of any commission entrusted with a specific duty who in the solution of that duty give painstaking and conscientious care and judgment. The Commissioners have proceeded therefore in the selection of routes and in the determination of matters relating to our highways, and have surveyed more than one thousand miles of road. They have let contracts for about one hundred and forty-eight miles in thirteen different counties, of various types of construction, and they are proceeding with their work in a manner which I think is satisfactory and highly commendable.

There is no provision in the particular act for the maintenance of the roads that shall be constructed, and, of course, maintenance of these roads in good repair is quite as important as the original building. The Highway Commission hopes to obtain a revenue sufficient to maintain the roads of the State from a Motor Vehicle Act. With the policy of thus obtaining the requisite funds, I am in accord. The particular act has not been submitted, and therefore I do not recommend it as to detail.

REVENUE AND TAXATION.

One of the grave problems that confronts us concerns the revenue of the State. In 1910, section 14 of article XIII of the Constitution was amended by the people and a new tax scheme separating state and local taxation was adopted. Whatever opinion we may have held respecting this particular amendment when once it was adopted by the people, it was entitled, and is yet entitled, to the most earnest endeavor of all the officials of the State to render it successful. Two years ago, because of the uncertainty concerning the amount of revenue which might be forthcoming under the amendment, the various branches of the state government practiced the most rigid economy. The special appropriations of the last Legislature, notwithstanding the marvelous increase in the needs of the State, were kept below the special appropriations of the Legislature immediately preceding and the increase in general appropriations was of a percentage less than had occurred in any biennial period for many years.

As illustrative of the economy practiced by the last Legislature, the following table of increase in percentages of appropriations is instructive:

Increase 1903 over 1901	18.42 per cent
Increase 1905 over 1903	32.53 per cent
Increase 1907 over 1905	13.90 per cent
Increase 1909 over 1907	18.12 per cent
Increase 1911 over 1909	8.28 per cent

During the past two years the percentage of increase in our public institutions has been infinitely greater than during any other biennial period. For instance, the increase in the number of insane in our hospitals was over 15 per cent; the increase in the number of pupils in our normal schools was over 30 per cent; and with these increases so great in percentage, the State has been maintained and its various departments operated with an increase of but 8.28 per cent in appropriations. Economy has probably beeen stretched to the limit in the past two years in the management of our public institutions, as these figures demonstrate. To attempt economy beyond this will mean that sort of parsimoniousness that can only result disastrously.

When the Legislature met in special session in December, 1911, the importunities were many to include generally in the call the subject of taxation. The friends and advocates of the new system, however, insisted that sufficient time had not elapsed to determine with certainty the results to be attained under the new system of taxation and they expressed their entire confidence that the new constitutional amendment would, if given a fair trial, realize an ever increasing revenue commensurate with the increasing needs of the State. At the time of the passage of the amendment, the arguments advanced by its advocates and by the representatives of the various public service corporations in its behalf were alluring and persuasive; and generally our people understood that the revenue required for the State would be produced wholly by the corporations.

The facts at this time appear to be:

1. That the new tax system will not provide, for the years 1913 and 1914, the revenue essential for the maintenance of the state government.

2. That small corporations are paying a greater proportion of the taxes than they should and larger corporations are paying a smaller proportion of the taxes than they should.

3. That the small householder proportionately is paying a greater amount of taxes than the great public service corporation.

I call your attention to the report of Controller Nye in which he estimates the excess of expenditures for the fiscal year ending June 30, 1913, at $630,000, and the deficit for the fiscal year ending June 30, 1914, to be $1,101,000. These estimates, in my opinion, are much less

than the true amounts will be found to be for the periods mentioned. They are made with a confidence in the future revenue-producing possibilities of the new method of taxation possessed now by but few; and they are based upon estimates of the necessary expenses of the State which are far below what those necessary expenses should be. It is possible that, as in 1911, this Legislature may keep the appropriations of the State at an extremely low figure, even as low as the Controller estimates those expenditures in his report, but to maintain the expenditures at such an amount will probably be done at the expense of the progress and advancement of the State, and to the detriment of those the duty of caring for whom devolves upon the State.

I take it, of course, that if it can be shown to the Legislature that the small householder is paying a larger percentage of taxes proportionately than the public service corporations, there will be no hesitancy in doing what may be just in the premises. If due investigation shall convince you that many of the public service corporations under the new system are not paying their just proportion of taxes, it will follow, of course, that the rates charged these corporations should be increased. Investigations of the justice or injustice of the present rates are now being conducted by the State Board of Equalization. These investigations, the Controller informs me, will, within a few days, be concluded, and will then, at once, be transmitted to you.

The question has arisen whether a legislative act increasing taxes can take effect at once or must await the period prescribed by the referendum requirements. This matter I have submitted to the Attorney General of the State, and he holds that an act increasing the rates would come within the exceptions stated in the referendum constitutional provision and could take effect at once. The concluding portion of the Attorney General's opinion is as follows:

> "For the foregoing reasons I am of the opinion that any act passed by the coming session of the Legislature changing, in accordance with their authority, the percentages designated in section 14 of article 13 of the Constitution would not be subject to the referendum clause of section 1 of article 4 of said Constitution, but could be made effective the day of its adoption."

It is suggested to you, therefore, that you begin at once your investigations respecting the rates of taxation now fixed, and if, after due investigation, you find the situation to be as indicated herein, forthwith the rates now fixed be increased so that the corporations of the State will be required to pay their just share of taxes.

I have carefully refrained from suggesting any particular increase in rates or from even giving you the opinion we may have as to the increase in rates which should immediately be made. The reason I do not make to you a distinct recommendation of increase, specifically

indicating the corporations and the amount of increase applicable to each, is because the Attorney General advises me that it is your duty to fix these rates only after due investigation and deliberation and has suggested that increases in rates should be left to your adjudication without specific recommendation by me.

CORPORATION LICENSE TAX.

The recent decision of the Supreme Court of our State in *Mulford* vs. *Curry* very seriously interferes with the revenue heretofore derived from the corporation license tax by the State. The point involved in the particular case was whether or not as to foreign corporations the exaction of the corporation license tax was constitutional. The decision, however, apparently goes very much beyond the one point that seems involved in the particular action. The court, doubtless, felt constrained to hold under recent decisions of the United States Supreme Court, that our law in the instance referred to was unconstitutional. Contemporaneously with this decision the Supreme Court of Massachusetts in a similar case took the contrary view. The matter, however, presents itself from two angles: first, the necessity for the reformation of a law declared by our highest court invalid; and, secondly, and, from the more serious point, of the impairment of the revenue of the State.

I invite your attention to this particular subject in the hope that in some fashion, just to all, the amount denied us by the decision may be supplied.

INHERITANCE TAX.

The Controller strongly presents the difficulties encountered in the administration of the law relating to the tax upon inheritances. He concludes his report on this subject thus:

> "And finally, it cannot be emphasized too strongly, that the real problem of inheritance tax laws is one of administration and not one of rates. Until the administration is made so efficient that the taxes legally due can be collected, to increase the rates would tend to reduce the revenues rather than increase them."

I suggest such legislation as will remedy the faults of administration suggested by the Controller, but I suggest in addition that the rates be increased in such proportion as you may determine to be just. The present tax has not been found to be onerous and it has fallen not upon the heavy laden and those least able to bear taxation, but upon those who can bear it without injury or real loss.

STATE INSTITUTIONS.

It is not my purpose under the head of "State Institutions" to present to you statistics. These I find ably reported by the State Board of Charities and Corrections, by the Controller and by the various institutions and commissions, themselves. It is my purpose under this caption briefly to make to you a few recommendations that the experience of the past two years has suggested.

INSANE ASYLUMS.

Patton.—The marvelous growth of the southern part of our State has led to the overcrowding of the only insane asylum situated there. South of Tehachapi one third of the population of California resides, and practically all of the insane committed from that territory are sent to the hospital at Patton in San Bernardino County. In the other two thirds of the State, there are four hospitals for the insane, and one for the feeble-minded. The conditions that now exist at Patton have taxed to the utmost the resourcefulness and the ability of the management there and I cannot commend too highly those at present in charge of the Patton hospital for their efforts, and successful efforts, under very adverse circumstances. The patients at Patton sleep in the corridors and hallways and in places where it was never designed they should sleep. New quarters must be provided in the south, and I think the only rational thing to do is to erect a new state hospital at some point climatically appropriate. It is suggested in various reports submitted to me that this hospital be under the existing management at Patton, at least for the first few years, and I think the suggestion excellent. At any rate, the means must be provided for housing the insane of southern California and should at once be provided. I ask your earnest attention to this subject and your immediate action. All the authorities agree that the state hospital should never have been located at Patton; that it is not the site for an institution of this character; and in the interest of the wards of the State I would suggest to you that the site of a new institution—if one shall be erected—shall be in some other locality in the southern part of the State.

Napa.—This asylum is also overcrowded, and the congestion must be relieved. I find upon investigation, too, that the attendants in these insane asylums are too few, fewer than in most other states of the Union. The medical staff also is not sufficient in number. To a layman it seems utterly impossible that physicians can give anything like adequate attention where each physician has under his control several hundred insane. Napa was found at the first attempted investigation to be in shocking condition. The Superintendent resigned and the

Board of Managers selected a new superintendent. Conditions at Napa have improved, and greatly improved, but they are by no means to-day all that we would wish them to be. The managers are doing all in their power in this behalf, and it is confidently expected that within a very brief period Napa will have reached the condition toward which we are striving with all our public institutions. More attendants and more physicians are required at both Napa and Patton.

Of the other state hospitals, Stockton is full to its capacity, but these other three hospitals, we think, are in excellent condition. Of course, where buildings, such as some of those at Stocktan, were constructed more than forty years ago, it is obvious that such do not enable the accommodations to be wholly modern, but notwithstanding drawbacks arising from sources of this character, we may feel that these hospitals are rendering efficient service. Stockton requires and should have additional attendants and physicians.

Generally, concerning the insane asylums of the State, I quote Dr. F. W. Hatch, who for many years past has been the State Superintendent of Hospitals:

> "During the biennial period ending this year, radical changes have been made in the business methods, through the policy of the State Board of Control, that tend to a considerable reduction in the cost of maintaining the hospitals without in any way hampering their usefulness. More supplies are bought by contract and much more competition obtained in the purchase of non-contract supplies. The actual average per capita cost of the six state hospitals has been reduced from $206.57 in the sixty-second fiscal year to $187.57 in the sixty-third fiscal year."

BANKING DEPARTMENT.

I quote to you from the report made to me by the Superintendent of Banks, October 31, 1912:

> "It is the more gratifying to me to report this state of affairs particularly in view of the burden of responsibility which fell to this department to break down the system of special privilege and dangerous discrimination which had fastened itself upon the State Banking Department of California to the destruction of right administration and of sound supervision. It is my prerogative to inform you that special privilege extended by the State Banking Department to favored banking institutions in California is dead.
>
> "The evils of it have not yet fully disappeared. The manifestations of it are still apparent in violations of law which in some instances have resisted every suggested cure except that of drastic action which, I regret to say, I have in some cases been forced to take. While the root of special privilege has been destroyed the result of its growth has demanded from this department an unremitting vigilance and an uncompromising insistence that the law must be obeyed."

At various times complaints have been made to me concerning rulings made by the Superintendent of Banks, but in every instance where investigation has been made, that his ruling has been in accordance with the law, has not been questioned. Of course, it is apparent that if a drastic law like the Bank Act be vigilantly and vigorously enforced, constant difficulties may arise, but the Superintendent of Banks has taken the position that what the law demands must be done and that he is without power and without right to relax the law as it has been adopted by the Legislature of the State. The banking department is for two purposes, one of which by some of our banker friends is overlooked. It is for the purpose of aiding banks themselves and it is, beyond that, for the purpose of protecting depositors and the public at large. A banking department that would be administered only as certain bankers might desire, would be of little value to the State, and an efficient administration of a banking department must insist upon bankers obeying all the laws just as others are required to obey all the laws. I am prepared to admit that there are certain parts of the Bank Act which are onerous and which perhaps may be modified or repealed, but so long as those provisions remain, just so long it is the duty of the Superintendent of Banks to enforce them, however distasteful the enforcement may be to those immediately interested. The Bank Act, however, requires many amendments, some of which will be submitted to you by the Superintendent of Banks and some by the legislative committee of the Bankers' Association. But, let me repeat, if there is irritation or hostility by bankers because of the enforcement of the law, the law itself must be changed, not the attitude of the Superintendent of Banks toward that law. It is all well enough to talk as some bankers have talked to me about elasticity of provisions, and about relaxing certain requirements and about forgetting other provisions, but to relax or forget for one set of bankers and to enforce for another, is a system which can not be tolerated. Beyond all that, it is assumed that the law is designed for the protection of the public at large and, of course, relaxation or forgetfulness of any part of such law is an offense against the public at large.

I commend to you the amendments of the act which have been submitted and prepared by the Superintendent of Banks.

STATE PRISONS—REFORM SCHOOLS.

We have two state prisons and two reform schools. The two reform schools in the past have been kindergartens for the penitentiaries. It has happened too often that the inmate of the reform school has graduated from that institution only to finish in one of our state prisons. Fundamentally, it seemed to me, the management of these reform

schools was erroneous, and that if they could serve no other purpose than to educate young men into crime, and to graduate them ultimately into the state prison, they ought to be abolished. The theory on which reform schools was conducted in the past was that the children in those schools should be governed by fear and by force. The utter inutility of this method I believed to have been demonstrated, and it was resolved, therefore, that we would make an effort in a different direction with our erring young, and by treatment of these children as children, by eliminating as far as possible force and violence and fear, by teaching initiative and independence, and generally by regarding the inmates of these schools as human beings, not unlike the rest of us, they might be reclaimed and made useful members of society. In Ione and Preston, therefore, we have started upon the latter course, and there is every indication that the results desired will be attained. A recent inspection of Whittier showed the utter lack of facilities at that school and these facilities should measurably be provided if we expect good results. In the past two classes of children have been sent to our reform schools: delinquents and dependents. Dependents are those who have no home. Delinquents embrace the bad, the vicious, the incorrigible. The infamy of sending a child merely because orphaned to a reform school for continuous association with those actually convicted of crime is too obvious to require comment. Legislative action should render impossible the continuance of this wrong.

Within the past couple of years, there has been a nation wide awakening and agitation concerning those convicted of crime and conditions of prisons. As often happens with such an agitation, sometimes extremes are advocated, and the difficult problem in prison management now is to avoid the brutality of former years and the harsh treatment accorded in the past, and the mawkish sentimentality which would raze all prison walls. That men in prison should be humanely treated, that they should be afforded activity for hand and brain alike, that consistent with safety and discipline they should be given as much latitude as possible, and that honest effort should be made to fit them, after the period of expiation, for citizenship, will now readily be conceded, and it is with this effort that the administration, at least, has endeavored to act. That our prison conditions are infinitely better than at any time within the history of the State of California, cannot be denied. Better quarters are being provided, segregation into classes is being attempted, and trades are sought to be taught. The parole laws are administered with a liberality far exceeding that of the past, and within the recent year there have been fifty per cent more paroles granted than ever before in a like period. In San Quentin, at present, clothing and shoes and furniture, and matting, hats and caps and similar articles are being

manufactured, and while the quoted statement contained in the commencement of this message that the prisons are self-supporting is erroneous, profit from the manufacture of these articles has been quite considerable. No appropriation for maintenance beyond salaries at San Quentin is this year asked. This does not arise solely, however, from the institutional manufacturing. The profits of the manufacturing department have aggregated about $35,000, but this, it is expected, will be largely increased as the organization of the department is perfected. I desire that a similar manufacturing department be established at Folsom, and I ask that the request of the warden at Folsom, in this respect, be granted. The design of these manufacturing plants is not alone to make money for the prisons and the State and to render these prisons ultimately self-supporting, but, more important still, to give employment to the men confined and to enable them to learn useful trades which, if they desire, will furnish them employment upon their discharge.

UNIVERSITY.

The modern idea of a state university is that not only should it be the avenue of higher education and afford, academically, every facility for the acquirement of knowledge, but that it should also be a useful part of the state government and in such close touch with the people of the State that all problems of every character may be carried to it for solution.

We may be justly proud of the academic prominence of the University of California. It has attained an eminence that entitles it to-day to be ranked among the great institutions of our Nation. In enrollment it is the second college in the land, being exceeded in the number enrolled by Columbia alone. Its situation is ideal, the standard of its work equal to any, and I feel that too great praise cannot be accorded to those who have brought it to its present high academic efficiency.

I wish it, however, to serve the other purpose as well; to be in touch with the agricultural and horticultural and viticultural interests of the State; to be the Mecca of every man who wishes to know how best to treat or till the soil; to be as useful to our people who have been without academic advantages as it is to those who seek academic advantages. It should be possible upon any technical subject, governmental or otherwise, for us at once to turn to the University and there find collated all the information upon that particular subject. It should contain experts of such standing that those who wish knowledge or instruction in any particular avocation may turn there with the certainty of finding what is sought. It should be in such close and intimate touch with our soil that it should teach those who are upon the soil the best methods of

treating the soil, what would be the most prolific and productive, and what of greatest advantage.

We endeavored in some small measure to attain this end by the agricultural college at Davis, and recently as dean of the agricultural department a gentleman of national reputation was appointed. We wish the agricultural department of the State University to be really a department of agriculture, to be a college of farming, and to lend that aid, assistance, encouragement and enlightenment which may bring the best results.

This department of the University is of quite as vital importance as any other department, and we are striving now to bring it to the highest degree of progress and efficiency. Increased appropriations are asked for this department, and these increased appropriations, in the main, I heartily commend. It is unnecessary to dwell upon the source of our greatest wealth—our soil—to point out to you the extraordinary importance of our horticultural, viticultural, and agricultural interests. And just as in the proportion that these are important to us, in just that proportion should the agricultural department, in dealing with them, be to our University.

The University should be the investigating arm of the government of the State. Problems constantly are arising which require for their solution immediate action and information, and which cannot be solved with the rapidity and facility desired because we can turn to no place in the State for appropriate information. In the last two years we have embarked upon different and new economic policies, some of which have been attempted in other localities and some of which are not new in foreign nations. In these matters it would have been of inestimable service to the government could we have turned to some particular agency and obtained at once the requisite data. It is just this purpose that the University should serve.

Beyond this, the University should afford the best training for citizenship in the right direction. The fundamental ideas of humanity, of decency in government, of the necessity for keeping government responsive alone to the people, and of absolute opposition and hostility ever to the cajolery and bribery of public officials, should be instilled into our future citizens who soon in turn must take up the burden and perpetuate this nation.

The University has done a great work. It has before it even a greater future. With your aid, it should and will become the leader, academically, in applying scientifically to daily pursuits whatever is of use and advantage, and in the free discussion and thought so essential to a government such as ours.

STATE HARBOR COMMISSION.

In no part of the government of the State did the old system make itself so manifest as at the harbor front at San Francisco, and, as illustrative of the conditions formerly existing there, I quote from a recent report of the Harbor Board.

> "Nowhere in the administrative branch of the state government was the malign influence of that dominating corporation more conspicuously illustrated than in the condition and management of the San Francisco harbor. For over forty years, with infrequent intervals, not long enough to effect much of a reform, the Southern Pacific practically owned and operated the water front, and used it as a private piece of business property for the advancement of its own political and business interests.
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> "The evils of such a monopoly could not be set out in the limits at our command, though few things could be of more vital interest to the material advancement of the people of the State than a full knowledge and appreciation of the blighting effect of the control of the harbor and commerce of San Francisco Bay, which is the greatest single asset owned or possessed by the State of California, by a gigantic railroad system, which had a direct interest in the cramping and dwarfing of harbor development."

The present Harbor Commission, adopting a policy which has been that of the State during the past two years, has managed and operated the harbor of San Francisco without regard to special interests, but for all the people, and for the entire State of Californa. The harbor of San Francisco is self-supporting. The Harbor Commission, and the work done under it, represent not only shippers in the city of San Francisco and vicinity, but represent the entire State, and particularly the great valleys of the State, which bring into the city of San Francisco, and over the wharves that are owned by the State of California, a tonnage annually of millions of dollars.

The present Board of Harbor Commissioners admittedly is the most efficient that has ever administered the affairs of the harbor. Its work has been undertaken upon a greater scale than ever before, because it is making the effort in two years to provide for the opening of the Panama Canal, and the contingencies that will then confront it. This work should have been in contemplation many years in the past, and should not have been left until the last moment for its completion. The work upon the piers and wharves and seawalls in San Francisco at the present time is of the most modern, scientific type, and a greater amount of that work is progressing than ever before. The poor type of construction of the past, and the work of destructive parasites, have rendered necessary repairs to a greater portion of the piers heretofore constructed. In another part of this message, the incident was referred

to that the rates charged to tenants upon the State's property, prior to the administration of the present Harbor Board, were really fixed by the Southern Pacific Company, the chief tenant of the State. When the present Harbor Board assumed control it believed that the rentals paid were insufficient, but in order to determine justly what these rentals should be, it appointed a commission of three well known real estate men of San Francisco to value the properties, and from the values to fix fair rentals. This commission reported, the report was adopted. The result was an increase in rentals from the transportation companies amounting to $137,500 per annum. At the same time, charges against shippers were reduced ten per cent. Naturally those whose rentals were increased, and those who have dealt in the past with this wondrous asset of the State for private gain, do not look with favor upon a management of the harbor for all the people of all the State.

THE NATIONAL GUARD.

The National Guard has been during the past two years vastly improved. The Guard now consists of 4,188 officers and men trained and disciplined. During the past two years the personnel of the Guard has been increased by 50 officers and 727 men. Target ranges have been constructed and equipped for over 45 additional organizations, giving small arms ranges for the entire Guard using the rifle and revolver. Ten camps of instruction and joint exercises and maneuvers with the Regular Army have been held for officers and men. Officers have been sent to Fort Riley, Kansas, and Sparta, Wisconsin, three times to technical service schools of instruction, and other officers have been sent to the Mexican border with the Regular Army and to the Government School of Musketry at Monterey. Regular Army officers have been detailed with the land forces as instructors and have conducted, and are still conducting, schools of instruction. An officer has been detailed as instructor for the Naval Militia and the recent maneuvers of the militia in conjunction with the Regular Army called forth the highest encomiums from the officials of the Federal army.

STATE PRINTING OFFICE.

The revolution in the methods of the State Printing Office has been of such recent date that doubtless all are familiar with changed conditions there. The Superintendent of State Printing has finally demonstrated that a printing office in behalf of the State may be conducted with the same economy and efficiency as a private institution of like character. For so many years the management of this office has been marked with extravagances, and sometimes even worse, that the belief became general that the State could not successfully manage and operate its printing plant. The error of this is now shown. The

decrease in cost of materials, because of fair competitive bidding, the installation of a modern cost-finding system and the increased efficiency have reduced the cost of textbooks to the pupils of the State 42 per cent.

FISH AND GAME COMMISSION.

The Fish and Game Commission are deserving of credit for their activity and because they have interested vast numbers of citizens of the State who have, in the past, been indifferent, in the preservation of fish and game. The Commission have conducted scientific researches under various professors that it is hoped will be of lasting benefit. The hatchery work made the record in its existence during 1912. Reference is made to the biennial report of the Commission.

ENGINEERING DEPARTMENT.

The stupendous work of the Engineering Department is little understood. When it is considered that the appropriations for construction run into the millions, and that this construction is under the management of the Engineering Department, some small idea of the Department's work may be had. The work is not confined to mere construction of buildings, but to roads, to river work and flood control problems, irrigation districts, supervision of dams, surveys, etc. The work of the Department was found to be, when the present State Engineer assumed his office, far in arrears, but by constant activity, and energetic endeavor on the part of the present official, the Department is now promptly attending to the work entrusted to it.

The Department has grown so rapidly that the quarters formerly assigned to it in the Capitol are wholly inadequate. Appropriate and sufficient offices should be provided.

SUPERINTENDENT OF CAPITOL BUILDING AND GROUNDS.

The old method by which Capitol Commissioners, consisting of the Governor, the Secretary of State, and the State Treasurer, through various employees, an equal number being appointed by each, endeavored to maintain the capitol building and grounds, was thought to put a premium on inefficiency. Your predecessors, therefore, were asked to enact the law which is now in effect, providing for a superintendent of the capitol and grounds who should himself select the employees to do the necessary work and who should alone be responsible for the condition of the building and the surrounding land. The wisdom of this course has been amply shown in the improved service in the building and the immensely improved condition of the beautiful park that surrounds our capitol. The present Superintendent has proven himself in every respect qualified; and the new departure by which his office was created and the old commission abolished, like all of the measures designed for efficiency, has amply justified itself.

STATE BOARD OF MEDICAL EXAMINERS.

It has been assumed that this Legislature would deal with the formation of the State Board of Medical Examiners and probably remodel the present law. Because of that assumption I have not thus far attempted any changes in the Board itself. I should have done so, but I desired to await your action, and if in your wisdom you do not see fit to act, I shall, in the matter of appointments, which it is my province to make, undertake the remodeling of the Board.

In this connection there is one suggestion that has been frequently made. Our State peculiarly attracts those who have acquired competencies in other states and among many who come to us, after a life of successful effort, are practicing physicians. It has come under my observation that some of these physicians have successfully practiced their profession for many years in neighboring states, and yet, though they are gentlemen of repute, when they enter this State, in order to practice, they are compelled to pass entrance examinations. These examinations it is represented to me are like the ordinary entrance examinations that are propounded to students. The average lawyer who has successfully practiced his profession for twenty years, would have great difficulty in passing the entrance examinations to the bar, and I take it that the position of physicians is not dissimilar. It seems wholly unjust that a successful practitioner in another state, who is of good repute and standing, but who desires to come to us because of the greater advantages, climatically and otherwise, offered by California, shall be precluded from practicing his profession, except upon passing the medical examinations propounded to students within our State. The injustice should in some fashion be remedied.

REFORMATORY FOR FIRST OFFENDERS.

Under the act of the Legislature passed in 1911, a commission was appointed to obtain a site for a reformatory for first offenders. This commission has obtained and purchased for the State a tract of land in Napa County, and in the purchase unquestionably the State has been most fortunate. The commission desires the work commenced upon the reformatory at the earliest possible moment. The citizens of the Napa Valley, however, have been most strongly protesting against the location of this institution in their midst, and I feel it my duty to transmit to you this protest. I notify you of the fact of the purchase of the tract, and of the expenditure of the appropriation made in 1911 for that purpose. Of course, to construct the reformatory the requisite additional appropriation must be made.

STATE HORTICULTURAL COMMISSION.

There is nothing of greater importance than our horticultural interests. It has recently been stated that in our citrus industries alone $175,000,000 are invested and its annual production is around $40,000,000. A vast territory is still available for its expansion and its possibilities are unlimited. The enormous value of our horticultural interests cannot be overestimated, and the problems in connection with them are serious and require an unrelaxing vigilance. Great power in the State has been conferred upon the Horticultural Commissioner in the matter of quarantines and the like, and this power has been exercised during the past year by the present Commissioner whenever he deemed it essential. The ravages of any of the pests that now scientifically are known, if admitted within our borders, might take from us this wonderful industry of which we are so proud, and which is fundamentally one of the chief sources of our wealth. The Horticultural Commissioner has been unremitting in his activity and for this department, one of the most important in the State, I ask the consideration that its importance demands.

There are other departments of the state government concerning which much might be written. It is impossible within the limits of any one message to treat adequately all the branches of the State's government, or to present all the suggestions that occur concerning legislation. From time to time I shall communicate with you upon specific subjects, in the hope that I may aid in your labors, and that there may be with us that useful coöperation so essential for real achievement. It is my fervent wish that we may all go forward with the work that is ours and do that work with the single purpose of performing a duty and executing with fidelity the trust that has been reposed in us.

HIRAM W. JOHNSON,
Governor.

APPENDIX.

PARDONS.

JESUSA JOHNSON pardoned February 25, 1911. Convicted in the Police Court of the city of Los Angeles of the crime of petit larceny and on December 24, 1910, sentenced to one hundred and fifty (150) days in the city jail at Los Angeles. Upon investigation, it appeared that the health of this woman was seriously affected by confinement and that she had a family of young children in grave need of her care. The pardon was therefore granted,

EDWARD STRAYER pardoned August 3, 1911. Convicted in the Police Court of the city of Los Angeles of criminal conspiracy and on the 5th day of January sentenced to a term of one hundred and eighty days in the city jail. Letters were received by me from the judge who sentenced Strayer, the prosecuting attorney, and the sheriff of Los Angeles County, and upon their recommendation he was pardoned,

JOHN J. LYNCH pardoned August 25, 1911. Committed from the city and county of San Francisco on the 22d day of October, 1909, having been convicted of grand larceny and sentenced to a term of nine years in the state prison at Folsom, After his conviction Lynch gave material aid to the district attorney in the prosecution of Charles E. Rankin, who was jointly charged with Lynch of the said crime of grand larceny. Lynch fully revealed to the court at the trial of Rankin all of the facts relating to the transaction out of which the charge against him grew, and as well, in so far as he was able, made restitution to the Ocean Shore Railway Company, the injured party in said transaction. Upon the recommendation of the district attorney of the city and county of San Francisco, and of J. Downey Harvey, president, and Burk Corbet, secretary of said company, pardon was granted.

FRED CHRISTIE pardoned August 28, 1911. Convicted of the crime of forgery and committed from the county of Colusa in June, 1908, for a term of seven years at San Quentin. He served three years of his sentence, had never before been convicted of an offense, and his prison record was exemplary. Upon the recommendation of Andrew Feruseth, who testified to his prior good character, a pardon was granted.

J. W. WEIZ pardoned August 28, 1911. Convicted in the Police Court of the city of Los Angeles of the crime of misdemeanor, to wit: violating section 311 of the Penal Code, and on the 10th day of July, 1911, sentenced to a term of one hundred days in the city jail. Weiz had borne a good reputation in the city of Los Angeles, where he had resided for a number of years, and numerous petitions and letters sent to this office made it apparent that the sentence was imposed under a misapprehension of the facts of his case. Upon the petition and recommendations of Hon. George Alexander, mayor of the city of Los Angeles, the president of the city council, the prosecuting attorney, and many other reputable citizens, the pardon was granted.

FRANK DAWSON pardoned August 29, 1911. Committed from the county of Placer in August, 1909, having been convicted of grand larceny and sentenced to a term of seven years at Folsom State Prison. Dawson's prison record was good and he had never been in any trouble before. His pardon was recommended by the Hon. C. N. Post, Judge of the Superior Court, who imposed the sentence upon him, Charles N. Tuttle, district attorney, who prosecuted him, and the sheriff of Placer County, and upon their recommendations the pardon was granted.

PATRICK FAHEY pardoned September 5, 1911. Committed from the county of Contra Costa in October, 1905, having been convicted of the crime of manslaughter and sentenced to a term of ten years at Folsom State Prison. Fahey was paroled May 9, 1911, by the State Board of Prison Directors, and subsequent thereto his health became impaired and his sight failed. He desired to leave the State of Cali-

fornia to go to the residence of his sister in the Dominion of Canada, and upon the recommendation of the district attorney of the county of Contra Costa, and that he might receive the proper care and attention which his condition demanded, his pardon was granted.

CHARLES CALVIN HOGLE pardoned November 27, 1911. Committed from the county of Monterey in June, 1905, having been convicted of the crime of burglary and sentenced to a term of ten years at San Quentin State Prison. Hogle was paroled on the 1st day of August, 1911, and thereafter conducted himself in an exemplary manner, observing in all particulars the terms and conditions of his parole. His pardon was recommended by citizens who had watched his conduct and as he had already served the major portion of his sentence a pardon was granted.

J. H. CARPENTER pardoned December 7, 1911. Convicted in the Police Court of the city of Los Angeles of the crime of misdemeanor, and on the 23d day of August, 1911, sentenced to a term of one hundred and eighty days in the city jail. Carpenter became seriously ill after his incarceration and was removed to the city hospital because of such illness. Upon the presentation of these facts, a pardon was granted.

HOWARD H. HOGAN pardoned December 9, 1911. Convicted on the 25th day of April, 1911, in the Justice's Court of township No. 5, county of Merced, of misdemeanor and sentenced to a term of six months in the county jail. It was admitted in this case that the sentence was excessive and the Judge of the Superior Court of the county of Merced, in passing upon the appeal taken in said case, recommended that Hogan be pardoned prior to the execution of said judgment. The district attorney who prosecuted Hogan stated that it was his intention to obtain a parole for him after he had served ten days of said sentence. Hogan served the said ten days, and in view of the agreement of all of the parties concerned that the law had been fully vindicated, a pardon was granted.

ALFRED A. LE BEUF pardoned December 22, 1911. Committed from the county of Alameda in June, 1909, having been convicted of the crime of embezzlement and sentenced to a term of ten years at San Quentin State Prison. Le Beuf during his incarceration rendered valuable services to the State which resulted in a saving of a considerable sum of money and by which certain illegal and dishonest practices were stopped. For these services a pardon was granted.

JAMES F. BUSHNELL pardoned December 22, 1911. Committed in August, 1909, from the county of Los Angeles, having been convicted of embezzlement and sentenced to a term of ten years at San Quentin State Prison. Bushnell was complained against by the E. K. Wood Lumber Company. He had borne a good reputation up to the time of this trouble and the officials of that company agreed that if he were pardoned they would take him back again into their employment. With Alfred A. Le Beuf, who was simultaneously pardoned, Bushnell rendered services to the State of California by which it was enabled to save a considerable sum of money and which put a stop to certain illegal and dishonest practices. A pardon was therefore granted him.

GERTRUDE DRIGGS pardoned December 23, 1911. Committed from Los Angeles County on the 21st day of January, 1911, having been convicted of the crime of forgery and sentenced to a term of five years in San Quentin State Prison. She was at the time of the pardon, and for a long time prior thereto had been, physically incapacitated, and her pardon was recommended by Hon. Paul J. McCormick, Hon. Frank G. Finlayson, Hon. N. P. Conroy, and Hon. Walter N. Bordwell, Judges of the Superior Court of the county of Los Angeles, Hon. J. D. Fredericks, district attorney of the county of Los Angeles, and many others, and upon such recommendations it was granted.

DONALD A. MOORE pardoned January 26, 1912. Committed in July, 1910, from the county of Alameda, having been convicted of the crime of forgery and sentenced to a term of two years in San Quentin State Prison. Moore was nineteen

years of age at the time of his conviction and was recommended to the Judge of the Superior Court for probation. Complete restitution was made to those who suffered loss by his crime. His prison record was good and his pardon was recommended by Philip M. Carey, assistant district attorney of the county of Alameda, who conducted the prosecution against him, by the Hon. J. Stitt Wilson, mayor of the city of Berkeley, by August Vollmer, chief of police of the city of Berkeley, by F. W. Dorn, assistant city attorney, and many other reputable citizens. Upon these recommendations a pardon was granted.

ARTHUR P. CRAMER pardoned March 7, 1912. Committed in March, 1909, from the city and county of San Francisco, having been convicted of the crime of forgery and sentenced to a term of four years at San Quentin State Prison. He was paroled on the 1st day of November, 1910, by the State Board of Prison Directors, subsequent to which time he was regularly employed at Winters in the county of Yolo. His prison record was good and his conduct subsequent to parole was exemplary. His term of imprisonment having nearly been completed, and upon the recommendations of the city clerk of Winters, of his employers, of Hon. Albert E. Boynton, W. A. Cannedy, and others, a pardon was granted.

J. J. ARBERRY pardoned March 8, 1912. Committed in the month of ——— from the city and county of San Francisco, having been convicted of the crime of attempting to obtain money by false pretenses and sentenced to a term of two years at San Quentin State Prison. Arberry's term would have expired on the 20th day of March, 1912, and his family having become destitute and in great need of his aid and assistance, upon recommendation of Hon. Frank H. Dunne, Judge of the Superior Court and the judge before whom he was tried, and who sentenced him, and of Maxwell McNutt, assistant district attorney, who prosecuted him, a pardon was granted.

WALLACE H. MORE pardoned March 8, 1912. Committed in December, 1910, from the county of Santa Barbara, having been convicted of the crime of burglary and sentenced to a term of eighteen months at San Quentin State Prison. More's term was about to expire and his pardon was recommended by Hon. S. E. Crow, Judge of the Superior Court, who sentenced him, and by Hon. W. S. Day, who as district attorney prosecuted him, and by Hon. E. W. Squier, present district attorney of the county of Santa Barbarba. Upon their recommendations, a pardon was granted.

JOHN O'NEIL pardoned March 19, 1912. Committed in December, 1896, from the county of Sacramento, having been convicted of the crime of burglary and sentenced to a term of thirty years at San Quentin State Prison. O'Neil was a fourth termer and had served nearly thirteen years of his present term when his parole was obtained from the State Board of Prison Directors through the efforts of Leon Mordaunt, a deputy parole officer of the city of Los Angeles. From September 1, 1909, after his release upon parole, O'Neil had been steadily employed by the Southern California Edison Company. He abandoned all his criminal associates and earned the approbation of his employers and the respect and friendship of his fellow-workmen. Contrary to all expectations he made good and was recommended for pardon by the State Board of Prison Directors; by Hon. E. S. Wachhorst, district attorney of the county of Sacramento; by Hon. W. H. Beatty, Chief Justice of the Supreme Court, and by Hon. F. M. Angellotti, Hon. M. C. Sloss, Hon. Henry A. Melvin, and Hon. Lucien Shaw, Associate Justices of said court, as well as by his employers and other reputable citizens. His pardon was therefore granted.

ELMER WILSON pardoned March 28, 1912. Convicted in the Police Court of the city of Los Angeles for having violated the provisions of what is known as the traffic ordinace of that city. He was a student in the Los Angeles High School, bore an excellent reputation and had never been in any trouble before. His pardon was recommended by Hon. Guy Eddie, prosecuting attorney of the city of Los Angeles; by Hon. George Alexander, mayor of the city of Los Angeles; by Hon. C. J. Sebastian, chief of police; by Hon. Lee C. Gates, Hon. N. W. Thompson, and many other citizens. He was therefore pardoned.

JOSEPH T. LIDDY pardoned June 4, 1912. Committed in January, 1911, from the city and county of San Francisco, having been convicted of the crime of manslaughter and sentenced to a term of two years at San Quentin State Prison. He was subsequently paroled and his record both in and out of the prison was good. His pardon was recommended by Hon. George H. Cabaniss, Judge of the Superior Court, who presided at his trial and imposed upon him the said sentence; by Hon. Charles N. Fickert, district attorney of the city, and county of San Francisco; James F. Brennan, asisstant district attorney, who prosecuted Libby; Hon. Thos. F. Graham and Hon. E. P. Mogan, Judges of the Superior Court of the city and county of San Francisco; by Hon. H. I. Mulcrevy, county clerk; by Hon. John I. Nolan, Walter Macarthur, and many other citizens. Liddy was more than fifty years of age, a first offender, and had up to this time borne an excellent reputation. His term was near its expiration and a pardon was therefore granted.

AXEL GREEN pardoned June 8, 1912. Committed in July, 1908, from the city and county of San Francisco, having pleaded guilty to three charges of grand larceny, upon which he received sentence of two years each, the said sentence to run consecutively. Green had served nearly four years of this time and his pardon was recommended by the State Board of Prison Directors; by Hon. W. H. Beatty, Chief Justice of the Supreme Court; Hon. F. M. Angellotti, Hon. W. G. Lorigan, Hon. F. W. Henshaw, Hon. Henry A. Melvin and Hon. Lucien Shaw, Associate Justices of said Supreme Court. Upon these recommendations a pardon was granted.

WILLIAM CARLIN pardoned June 8, 1912. Committeed in May, 1910, from the county of Alameda, having been convicted of the crime of abduction and sentenced to a term of four years at San Quentin State Prison. Carlin was paroled December 1, 1911. His prison record was good and his conduct subsequent to parole exemplary. His pardon was recommended by Hon. Everett J. Brown, Judge of the Superior Court, who imposed the sentence upon him; by Philip M. Carey, assistant district attorney, who prosecuted him; Hon. William H. Donahue, district attorney, and by Hon. Charles L. Neumiller, a member of the Board of Prison Directors. Upon these recommendations he was pardoned.

M. J. GILKEY pardoned by Acting Governor Wallace on June 25, 1912. Committed in August, 1911, from the county of Los Angeles, having been convicted of the violation of section 288 of the Penal Code and sentenced to a term of ten years in San Quentin State Prison. Gilkey at the time of his pardon and for several months prior thereto had been seriously ill. On June 20, 1912, Dr. H. Newton Kierulff, resident physician at San Quinten, reported as follows: "I have the honor to report that Gilkey's condition is very serious and that he may die at any time." In view of this fact and because of the recommendations of Warden Hoyle and Hon. James W. Bartlett, Judge of the Superior Court of the county of Trinity, who presided at the trial of said Gilkey, a pardon was granted.

E. E. DUNCANSON pardoned August 22, 1912. Committed in June, 1909, from the county of Los Angeles, having been convicted of the crime of rape and sentenced to life imprisonment at San Quentin Prison. Duncanson was convicted mainly upon the evidence of the prosecutrix, who was his twelve-year-old stepdaughter. At the trial she testified to several acts on the part of Duncanson. Subsequently, she went to live with relatives in the State of Kentucky, and in December, 1909, she retracted the story told by her at the trial. Later she denied the truth of her second story. At the instance of the district attorney of the county of Los Angeles, his deputy, who conducted the prosecution, was detailed to go to Kentucky and interview the young girl, and upon his return he reported that he "had a grave and serious doubt that Mr. Duncanson ever committed the acts with which he was charged and should, if called upon now to do so, certainly give him the benefit of this doubt." After an examination of the transcript of the testimony taken in the case, Hon. Benjamin F. Bledsoe, Judge of the Superior Court of the county of San Bernardino, advised me that there was some doubt in his mind as to the guilt of Duncanson. From the transcript, and the most serious and careful consideration of the case, I

was not convinced of Duncanson's innocence, but the matter seemed doubtful, and finally, after long deliberation, I preferred to give him the benefit of the doubt and granted the pardon.

CHARLES BUNCH pardoned August 23, 1912. Committed in February, 1912, from the county of San Joaquin, having pleaded guilty to the charge of passing a fictitious check and having been sentenced to a term of three years at San Quentin State Prison. Bunch at the time of the commission of his offense was but sixteen years of age, although he informed the judge who sentenced him that he was nineteen years old. He was a wayward son of parents of good standing in the State of Washington, and upon their promise to take him home, a pardon was granted, conditionally that immediately upon his release he return to his parents in the State of Washington. This condition was carried out.

PAUL A. VINCILIONE pardoned August 23, 1912. Committed from the county of Marin in April, 1911, having been convicted of the crime of bribery and sentenced to a term of eighteen months at Folsom State Prison. He served a year of the term and was thereupon paroled by the Board of Prison Directors. His term expired July 6, 1912. At the time of his conviction he was an attorney-at-law, and because of the conviction his name was stricken from the rolls of the courts of this State. He has six children, the eldest of whom is eleven years, and in order that he might not be handicapped in his efforts to reëstablish himself in his profession, a pardon was granted.

JOE BLACK pardoned by Acting Governor Wallace on September 14, 1912. Convicted on the 23d day of July, 1912, in the Police Court of the city of Los Angeles of the crime of assault, and sentenced to a term of one hundred and eighty days in the city jail. A pardon was granted in this case because it appeared that further confinement would result in permanent injury and because of the recommendations of Hon. Guy Eddy, prosecuting attorney, and Hon. W. L. Williams, police judge.

JOHN NELSON pardoned by Acting Governor Wallace on October 1, 1912. Committed in the year 1908 from the county of Merced, having been convicted of the crime of burglary and sentenced to a term of four years at Folsom State Prison. Nelson was paroled on the 15th day of August, 1910, and his term expired on the 16th day of January, 1911. He was a first termer, his prison record was good, and his conduct on parole exemplary. For the purpose of restoring to him all his civil and political rights and privileges, a pardon was granted.

HENRY HAGEMISTER pardoned by Acting Governor Wallace on October 1, 1912. Committed in October, 1908, from the county of San Joaquin, having been convicted of the crime of arson and sentenced to a term of fifteen years at San Quentin State Prison. At the time of his conviction Hagemister was nineteen years of age. He was paroled on the 2d day of January, 1910, and immediately returned to the scene of his crime and was there given employment, which he remained with until the latter part of 1911, when he was permitted by the Board of Prison Directors to go to the city of Detroit to his parents. He was continuously employed subsequent to his parole and demonstrated his ability to become a useful citizen. His pardon was recommended by the district attorney of San Joaquin County, who prosecuted him, and the present district attorney of said county, and as well by C. L. Van Buskirk, against whose property the crime was committed. Many other citizens of said county recommended a pardon and because of these things a pardon was granted.

EDWARD COLE pardoned by Acting Governor Wallace on October 1, 1912. Committed in April, 1912, from the county of San Joaquin, having been sentenced to a term of three years at San Quentin State Prison. Cole was eighteen years of age and had never before been in trouble. His offense consisted of the theft of a suit of clothes and the sum of $1.50 in money. After his incarceration, the resident physician at San Quentin reported him a sufferer from chronic heart disease, and in a critical condition. Upon recommendation of the warden, and a showing that provi-

sions had been made to return him to his parents in the State of Illinois, a pardon was granted.

H. A. GEORGE pardoned by Acting Governor Wallace on October 1, 1912. Committed in April, 1912, from the county of Siskiyou, having been convicted of the crime of uttering a fictitious check and sentenced to a term of eighteen months at San Quentin State Prison. In a disturbance at the prison on the 9th day of June, 1912, in which George had no part, he received a bullet wound through the hip. The wound failed properly to heal and an operation was necessary and other surgical treatment which were not available at the state prison. In addition to this, he was recommended for pardon by the district attorney for the county of Siskiyou, who urged that his was a case rather for probation than imprisonment. In view of his injury and because of such recommendation, a pardon was granted.

GILBERT M. YOUNG pardoned by Acting Governor Wallace on October 17, 1912. Committed in 1906 from the county of Monterey, having pleaded guilty to the crime of robbery and having been sentenced to a term of twenty years at San Quentin State Prison. Young was paroled on the 1st day of October, 1909, and since that time had been steadily employed. His conduct was exemplary and he was recommended for pardon by Hon. B. V. Sargent, Judge of the Superior Court of Monterey County, by Hon. Fred A. Treat, district attorney who prosecuted him, by Hon. Frank R. Willis, Judge of the Superior Court of the county of Los Angeles, who had become intimately acquainted with him, by B. T. Brain, under-sheriff of the county of Los Angeles, and by D. L. Lorimer, deputy sheriff, to whom he had reported monthly during his parole period. Upon the showing made of his good conduct, and the recommendations, a pardon was granted.

FRED FROEHLINGER pardoned by Acting Governor Wallace on October 17, 1912. Committed December, 1907, from the county of San Diego, having been convicted of the crime of statutory rape, and sentenced to a term of twenty years at San Quentin State Prison. At the time of his conviction Froehlinger was nineteen years of age, and though it was indicated to him that if he would plead guilty to the charge probation would be given him, he always insisted that he was entirely innocent. Subsequently, the prosecutrix in the case retracted the story she had told at the time of the trial and her statement having been brought to the attention of the district attorney of the county of San Diego, an investigation was had before the grand jury of that county, the result of which indicated that Froehlinger was innocent of the crime. For this reason the pardon was granted.

GEORGE E. WOODSTOCK pardoned by Acting Governor Wallace on October 30, 1912. Committed in April, 1912, from the county of Lassen, having been convicted of statutory rape, and sentenced to a term of ten years at San Quentin State Prison. After the conviction of Woodstock, the testimony of the prosecutrix in his case was so badly discredited that a petition for his pardon was signed by the twelve jurors who rendered the verdict against him, and by practically the entire population of the county. In addition thereto, Hon. G. P. Johnson, the district attorney who prosecuted the case, wrote as follows: "After the trial of Emanuel Enos there has been some doubt in my mind as to the correctness of the verdict in the Woodstock case." Hon. C. E. McLaughlin and Hon. F. A. Kelly, both of whom were judges of the Superior Court of the county of Lassen and both of whom knew Woodstock many years, urged his pardon. From the showing made there was grave doubt of his guilt and a pardon was therefore granted.

ROBERT GARNER pardoned December 3, 1912. Committed in 1902 from the city and county of San Francisco, having pleaded guilty to the charge of robbery on two counts, and having been sentenced upon the first count to a term of twenty years, and upon the second to a term of one year at San Quentin State Prison, the second term to commence at the termination of the first term. Garner desired to be paroled and the Board of Prison Directors was unable to act upon his application because of the fact of his conviction upon two charges of felony. In order that his application might be considered, a pardon for the crime upon which he was sentenced

for one year's imprisonment was granted. This was done upon the recommendation of Hon. F. M. Angellotti, Hon. M. C. Sloss, Hon. Lucien Shaw, and Hon. Henry A. Melvin, Associate Justice of the Supreme Court of the State of California; by Hon. Charles N. Fickert, district attorney of the city and county of San Francisco, and by Hon. Carroll Cook, former Judge of the Superior Court of the said city and county of San Francisco, and the judge who imposed the said sentences upon Garner.

GEORGE L. RITMAN pardoned December 3, 1912. Committed in August, 1912, from the county of Alameda, having pleaded guilty to the charge of knowingly receiving stolen property. Ritman was a first-termer who had borne a most excellent reputation for honesty and integrity. After his incarceration he became mentally unbalanced, and upon the recommendation of several hundred of the residents of Alameda County, of Dr. H. Newton Kierulff, resident physician at San Quentin; of Hon. Wm. H. Donahue, district attorney for the county of Alameda, and of Hon. John F. Ellison, Judge of the Superior Court of said county, who sentenced Ritman, he was pardoned.

PAT MULLALLY pardoned December 16, 1912. Committed in 1911 from the county of Colusa, having been convicted of the crime of grand larceny and sentenced to a term of three years in the state prison at San Quentin. He was a first termer and was paroled by the Board of Prison Directors, and after his release conducted himself as a good citizen should. His pardon was recommended by Hon. H. M. Albery, Judge of the Superior Court of Colusa County, and by Seth Millington, district attorney of said county. Because of his good conduct and upon these recommendations, a pardon was granted.

CHARLES DONALD LOWRIE pardoned January 2, 1913. Committed in October, 1905, from the county of Alameda, having been convicted of the crime of burglary in the first degree and sentenced to a term of fifteen years in the state prison at San Quentin. He was a second termer, but after serving nearly six years of his sentence he was paroled because of his good conduct by the State Board of Prison Directors. After his parole Lowrie was constantly employed and his conduct was exemplary. For this reason, the State Board of Prison Directors recommended to the Supreme Court that his pardon be recommended by them, and thereafter such recommendation was received by me, signed by Hon. F. M. Angellotti, Hon. F. M. Henshaw, Hon. Henry A. Melvin, Associate Justices, and by Chief Justice Beatty. A pardon was therefore granted.

COMMUTATIONS.

J. F. SCARBROUGH was convicted in May, 1910, in the Superior Court of the county of Fresno of the crime of forgery and sentenced to a term of two years at San Quentin Prison. Scarbrough's physical condition after his incarceration became so precarious that it was reported to the Board of Prison Directors by the resident physician at San Quentin that he could not recover his health. His conduct was such that on the 11th day of March, 1911, the Board of Prison Directors recommended that his sentence be commuted so that he might be released at once, and in view of this recommendation his sentence was, on the 15th day of March, 1911, commuted upon the condition that the commutation should become void upon his subsequent conviction of any felony and that in addition to any sentence which might thereafter be imposed upon him by reason of such conviction, he should serve the remainder of his commuted term.

PETER MAPLE was convicted in March, 1910, in the Superior Court of the county of Humboldt of the crime of robbery and sentenced to a term of four years in San Quentin Prison. Maple developed tubercular trouble at San Quentin and three operations were performed upon him by the resident physician, all of which were unsuccessful. Learning of his condition, it was recommended by Hon. Clifton H. Connick, Judge of the Superior Court of Humboldt County, before whom he was tried; Hon. Otto W. Cregor, district attorney of said county, who prosecuted him; Mrs. Alice M. Peebles, field matron U. S. Indian Service, and Messrs. Mahon &

Mahon, attorneys-at-law, that his sentence be commuted, and on the 28th day of March, 1911, a commutation was granted to such time as would entitle him to immediate release upon the condition that commutation should become void upon a subsequent convictions for any felony, and that in addition to the sentence imposed upon him by reason of such conviction he serve the remainder of his commuted term.

LOUIE AUGUSTINE was convicted in the Superior Court of the county of Lake, of the crime of murder in the first degree and thereafter he was sentenced to be hanged on the 16th day of September, 1910. He had been reprieved from time to time by former Governor Gillett, until the 20th day of January, 1911, and on the 16th day of January, 1911, and on three subsequent dates, he was reprieved by me in order that I might properly investigate his application for commutation to life imprisonment. After a careful consideration of his case such commutation was granted on the 6th day of June, 1911. The crime of which Augustine was convicted was the killing of the sheriff of Lake County, while he was in the discharge of his duty. The evidence shows that Augustine shot the sheriff about dusk just as the sheriff, who had been lying in wait for him, called out "Throw up your hands." Augustine is an Indian boy, eighteen years of age, without friends and without funds. His attorney was appointed by the court. The feeling in the county ran somewhat high against him. His case was never appealed and the question of premeditation and deliberation was never passed upon by the court of last resort. Because of this, and more especially because of his extreme youth, there never having been an execution in this State of one so young, the commutation was granted.

HORACE BENNETT was in the month of December, 1908, in the Superior Court of the county of Monterey, convicted of murder in the first degree and was thereafter sentenced to be hanged on the 9th day of February, 1912. A letter received by me from Hon. H. W. Henshaw, Associate Justice of the Supreme Court, in relation to Bennett's application for commutation of sentence and concurred in by Hon. F. M. Angellotti, Hon. Lucien Shaw, Hon. M. C. Sloss, and Hon. Henry A. Melvin, and Hon. W. G. Lorigan, Associate Justices of said court, sets forth among other things the following: "My understanding is that the petition seeks to have the death sentence commuted to imprisonment for life. Such a communication would, in my judgment, still inflict upon the defendant a full measure of punishment for his crime, and at the same time would be both a humane and just act of executive clemency. * * * And though, as the opinion shows, there was sufficient evidence to support the jurors' verdict of deliberation and predemitation, yet I was strongly impressed that deliberation and premeditation did not enter into the crime, but that the inspiring cause was a sudden and unreckoning anger induced by whisky. I think my associates as well as myself were surprised that the verdict should have been anything more than manslaughter. Certainly, therefore, a mitigation of punishment to life imprisonment would in my opinion, as I have said, be both just and humane." A careful examination of the testimony in the case confirmed these conclusions and on the 13th day of December, 1911, a commutation to life imprisonment was therefore granted.

JOHN BYRNE was convicted in the Superior Court of the city and county of San Francisco, of the crime of murder in the first degree, and was thereafter sentenced to be hanged on the 10th day of November, 1911. An application for a commutation of his sentence was made to me, and in order to investigate his case, a reprieve was granted until January 12, 1912. In the opinion of the Supreme Court, rendered in the matter of the appeal of Byrne, Justice Angelotti said: "A mere reading of the record in this case clearly leaves one in grave doubt on the question of the defendant's guilt." The Chief Justice and all of the Associate Justices of said court recommended that the sentence of Byrne be commuted to life imprisonment, and in addition thereto Hon. William P. Lawlor, Judge of the Superior Court of the city and county of San Francisco, before whom Byrne was tried, and who rendered the judgment and decree of death, also recommended a commutation of his sentence. Upon these recommendations, on the 10th day of January, 1912, a commutation to life imprisonment was granted.

WM. BURKE was convicted in the Superior Court of the county of San Diego of the crime of murder in the first degree, and was thereafter sentenced to be hanged on the 22d day of December, 1911. The crime of which Burke was convicted was the murder of his mistress at the conclusion of a long debauch. The facts which were presented upon the application of Burke for a commutation of his sentence indicated clearly that at the time of the commission of the crime his mental condition was far from normal. Lewis R. Kirby, district attorney of the county of San Diego, who prosecuted Burke, and H. S. Utley, present district attorney of said county, after a thorough investigation of the case, recommended a commutation. The foreman of the trial jury, and three other jurors, under oath, stated that if this fact had been brought to their attention, a recommendation for life imprisonment would have accompanied the verdict. A commutation was recommended by practically all of the county officers of the county of San Diego, and after a thorough investigation of the case, Acting Governor Wallace on the 10th day of September, 1912, commuted the sentence of Burke to life imprisonment.

GEO. E. FIGUEROA was convicted in the Superior Court of the county of Los Angeles of the crime of murder in the first degree, and was sentenced to be hanged on the 20th day of October, 1911. Figueroa was defended by an inexperienced attorney, and his defense was inadequately presented to the jury. In the civil action later brought by this attorney to recover compensation for his services in the trial of Figueroa, the trial court made a finding to the effect that the conduct of the case showed carelessness and indifference, and that Figueroa had not been properly represented or defended. Letters were presented from Judge Willis of Los Angeles County, who presided at the trial of Figueroa, and by Judge Crow of the Superior Court of the county of Santa Barbara, recommending a commutation of sentence, and it was the opinion of the Chief Justice of the Supreme Court that a new trial should have been granted the defendant. Figueroa was reprieved on ten successive occasions in order that his case might be thoroughly investigated, and after such investigation, made by Acting Governor Wallace, he commuted the sentence of Figueroa on the 17th day of September, 1912, to imprisonment for life.

REPRIEVES.

WILLIE LUIS. Convicted in the county of San Luis Obispo, of the crime of murder in the first degree and sentenced to be hanged on the first day of December, 1910. He was first reprieved by former Governor Gillett to the 3d day of February, 1911, and in order that a proper investigation of his case might be had, he was subsequently reprieved twenty times, to the 6th day of December, 1912. After a thorough investigation of his case, his application for commutation was denied, and he was executed on the day last mentioned.

MARK A. WILKINS. Convicted in the county of Alameda of the crime of murder in the first degree and sentenced to be hanged on the 17th day of February, 1911. He was reprieved eleven times to the 12th day of January, 1912, in order that his case might be properly investigated, and was executed on the day last mentioned.

DEMETRY TRESCHENKO. Convicted in the city and county of San Francisco of the crime of murder in the first degree and sentenced to be hanged on the 7th day of July, 1911. He was reprieved to August 4, 1911, in order that the facts of his case might be presented, and after a proper investigation, was executed on the day last mentioned.

ED WILLIAMS. Convicted in the Superior Court of the county of Butte of the crime of murder in the first degree and sentenced to be hanged on the 12th day of April, 1912. He was reprieved five times, to November 29, 1912, in order that his case might be properly investigated, and was executed on the day last mentioned.

ALEX SZAFSCUR. Convicted in the city and county of San Francisco of the crime of murder in the first degree and sentenced to be hanged on the 3d day of May, 1912. He was reprieved five times to the 22d of November, 1912, in order that his case might be properly investigated, and was executed on the day last mentioned.

EDWARD DELHANTE. Convicted in the county of Marin of the crime of murder in the first degree and sentenced to be hanged on the 22d day of November, 1912. He was reprieved upon the request of the warden of Folsom State Prison to the 6th day of December, 1912, in order that an investigation as to his sanity might be made. An examination of Delhante was conducted by a board of reputable physicians who reported Delhante sane, and he was executed on the date last mentioned.

FRANK BAUWERARTS. Convicted in the county of Riverside of the crime of murder in the first degree and sentenced to be hanged on the 16th day of August, 1912. He was reprieved to September 13, 1912, for the reason that an appeal to the Supreme Court had been taken in his case, but no notice thereof served on the warden at San Quentin. Such notice was subsequently served and the appeal is now pending.

MANUEL BOMBELA. Convicted in the county of Orange of the crime of murder in the first degree and sentenced to be hanged on the 17th day of October, 1912. He was reprieved three times to the 10th day of January, 1913, at the request of the Mexican consul general, who is securing documents and affidavits to be presented upon his application for commutation.

CHARLES CARSON. Convicted in the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, the defendant being a prisoner undergoing a life sentence in the state prison. He was sentenced to be hanged April 20, 1906, and pending the determination of the constitutionality of the statute under which he was convicted, he was by my predecessor reprieved from time to time, and fourteen reprieves have been granted during my term until the 14th day of February, 1913. Carson has developed symptoms of insanity and the last reprieve granted him was for the purpose of having a proper determination of the question of his sanity or insanity.

FRANCISCO QUIJADA. Convicted in the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, the defendant being a prisoner undergoing a life sentence in the state prison. His case was similar to that of Charles Carson, and he was reprieved to the 6th day of October, 1911, prior to which date he was killed by a fellow convict.